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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In The Matter of )

)  
Amendment of Part 25 of the )  
Commission's Rules to Establish )  
Rules and Policies Pertaining )  
to the Second Processing Round of )  
the Non-Voice, Non-Geostationary )  
Mobile Satellite Services )

IB Docket No. 96-220

To: The Commission

**COMMENTS  
OF THE  
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.**

The Industrial Telecommunications Association, Inc. (ITA), pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC"), hereby respectfully submits these comments concerning the Notice of Proposed Rule Making ("Notice") released by the Commission on October 29, 1996 in the above-captioned proceeding.<sup>1/</sup>

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<sup>1/</sup> Notice of Proposed Rule Making, FCC 96-426 (adopted October 29, 1996); Order Granting Extension of Time, DA No. 96-1989 (adopted November 27, 1996).

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## **I. BACKGROUND**

1. ITA represents users of Private Land Mobile Radio Services ("PLMRS") frequencies. It enjoys the support of a membership that exceeds 7,900 licensed two-way mobile radio communications users. Representatives of those licensees serve on ITA's Board of Directors along with designees from the following supporting trade associations:

Alliance of Motion Picture & Television Producers  
Associated Builders and Contractors, Inc.  
Florida Fruit and Vegetable Association  
National Aggregates Association  
National Food Processors Association  
National Mining Association  
National Propane Gas Association  
National Ready-Mixed Concrete Association  
National Utility Contractors Association  
New England Fuel Institute  
United States Telephone Association

2. These members utilize PLMRS frequency assignments to assist them in the safe and efficient conduct of their businesses. Not only are these PLMRS assignments utilized for day-to-day operations but, in the event of an emergency, these communications systems can be very useful in contacting public safety and other emergency response officials.

## II. COMMENTS

3. In its Notice, the Commission proposed to allocate additional spectrum to the Non-Voice, Non-Geostationary Mobile Satellite Service ("Little LEOs"). ITA strongly objects to the Commission's proposal with respect to one particular portion of the spectrum -- the 459.000-460.000 MHz band (the "459.000 MHz band"). ITA believes the proposed reallocation of the 459.000 MHz band would be detrimental to a very critical private land mobile channel located in the 459.000 MHz band which is utilized for oil spill containment and clean up operations.

4. Currently, Petroleum Radio Service ("PRS") eligibles are authorized to utilize the 25 kHz channel centered at 459.000 MHz for communications related to oil spill containment and clean up activities. 47 C.F.R. § 90.65(b). PRS licensees may operate on this 25 kHz channel only when the channel is not required for oil spill containment and clean up operations.<sup>2/</sup> Thus, PRS users

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<sup>2/</sup> In fact, Section 90.65(c)(6) of the Commission's Rules and Regulations specifically provides that the frequency 459.000 MHz:

[I]s primarily available for oil spill containment and clean up operations and for training and drills essential in the preparations for the  
(continued...)

employing the channel for regular day-to-day operations are required to clear the frequency immediately in the event of an oil-related emergency. See 47 C.F.R. § 2.106, n. NG 112.

5. ITA strongly supports the Comments submitted by the American Petroleum Institute ("API") in this proceeding, which note that the oil spill containment and clean up operations, as well as the training and drills supported by the 459.000 MHz channel, are vital to the protection of public safety, the environment, and workers in the oil and natural gas industries. ITA agrees with API that, in order for an oil spill response and clean up operation to be effective, activities must be coordinated among onshore operators, ships at sea, aircraft, various government officials, and containment and clean up personnel. Without access to the type of communications available using UHF radios in the 459.000 MHz band, however, such coordination would be far more difficult and much less effective. Thus,

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<sup>2/</sup> (...continued)

containment and clean up of oil spills. It is secondarily available for general base-mobile operations in the Petroleum Radio Service on a noninterference basis. Secondary users of this frequency are required to forego its use should oil spill containment and clean up activities be present in their area of operation or upon notice by the Commission or a primary user that harmful interference is being caused to oil spill containment or clean up activities in other areas.

ITA believes that the public interest will best be served by preserving this channel for interference-free communications.

6. This is not the first time that ITA and other land mobile radio user organizations have expressed the importance of this oil spill containment and clean up channel. In IC Docket No. 94-31, ITA joined with several other organizations, including API; the International Municipal Signal Association and International Association of Fire Chiefs, Inc.; the Association of American Railroads; the Manufacturers Radio Frequency Advisory Committee, Inc.; and UTC, the Telecommunications Association; in protesting the efforts of Little LEO proponents to obtain reallocation of the 459.000-460.000 MHz band at the 1995 World Radiocommunications Conference ("WRC-95").

7. Largely as a result of those protests, the Final Acts of the World Radiocommunications Conference ("WRC-95 Final Acts") provide that satellite licensees in the 459.000-460.000 MHz band must:

- (1) not constrain the development and use of the fixed and mobile services; and

- (2) not cause harmful interference to,  
or claim protection from, stations  
of the fixed or mobile service.

See notes S5.286A, S5.286B, WRC-95 Final Acts. Thus, the international allocation for Little LEOs is on a non-interference basis vis-a-vis oil spill containment and clean up operations and other existing licensees.

8. ITA shares API's concern that the FCC not reallocate the 459.000 MHz band to Little LEOs at all because it would be very difficult to contact Little LEOs in the event of an emergency to instruct them to discontinue operations. Nonetheless, if the Commission does determine to reallocate the 459.000 MHz band, ITA believes that existing users should retain primacy over Little LEO operations.

9. In its Notice, the Commission requested comment on whether second-round Little LEO applicants should be required to share spectrum which was allocated to Little LEOs in the first processing round, rather than receive new allocations. Notice at ¶ 42. ITA strongly supports this spectrum sharing proposal, particularly since there is no demonstrated need for additional Little LEO spectrum at this

time. ITA urges the Commission to require Little LEOs to share existing U.S. allocations, rather than adopting a proposal that could jeopardize vital oil spill containment and clean up communications.

**WHEREFORE, THE PREMISES CONSIDERED,** the Industrial Telecommunications Association, Inc. respectfully requests the Federal Communications Commission to take action consistent with the recommendations made herein.

Respectfully submitted,

**INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.**

By: 

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